

LaMonica Herbst & Maniscalco, LLP
3305 Jerusalem Avenue
Wantagh, NY 11793
(516) 826-6500
Gary F. Herbst, Esq.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

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Chapter 7
Case No: 11-42390-JBR

IMAGE RENT A CAR, INC.,

Debtor.

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**APPLICATION APPROVING EMPLOYMENT OF
LAMONICA HERBST & MANISCALCO, LLP
AS ATTORNEYS FOR THE TRUSTEE**

The application (the “Application”) of Gregory Messer, Esq., the Interim Chapter 7 Trustee (the “Trustee”) of the estate of Image Rent A Car, Inc. (the “Debtor”), seeking the entry of an Order of this Court approving the employment of LaMonica Herbst & Maniscalco, LLP (“LH&M”) as attorneys for the Trustee effective as of April 25, 2011, respectfully represents and alleges:

1. On March 24, 2011 (the “Filing Date”), the Debtor filed a voluntary petition for relief pursuant to Chapter 7 of Title 11 of the United States Code (the “Bankruptcy Code”).
2. By Notice of Appointment, Gregory Messer, Esq., was appointed the interim Chapter 7 Trustee of the estate, and is currently acting in that capacity.
3. The Trustee has determined that it is necessary to employ counsel on his behalf in these proceedings in order to assist him in the orderly administration of this estate. There are several issues and potential assets that must be dealt with by the Trustee in this case, including an investigation into the Debtor’s financial affairs to determine what assets of the Debtor’s estate can be recovered for the benefit of the creditors of this estate. The Trustee will require counsel to prepare the necessary motions, applications and orders to facilitate the valuation and

potential sale of the Debtor's assets and to assist him in any other matters in furtherance of his appointment. The Trustee believes that the retention of LH&M to provide these services is in the best interest of this estate and its creditors.

4. The Trustee requests that LH&M be retained as attorneys. The Trustee, who is not a member of LH&M, believes that LH&M is well qualified to act as his attorney and to represent him as the Trustee in this case.

5. To the best of the Trustee's knowledge, LH&M has no connection with the Debtor's creditors or any other party in interest or their respective attorneys, except as set forth in the attached affidavit of Gary F. Herbst, Esq., (the "Affidavit") a member of LH&M. Additionally, LH&M represents no interest adverse to the Debtor or the estate, or any other interested person in the matters with respect to which LH&M is being retained by the Trustee, except as set forth in the attached Affidavit.

6. Furthermore, LH&M is a "disinterested person" as that term is defined in Section 101(14) of the Bankruptcy Code in that said firm:

- (a) is not a creditor, an equity security holder, or an insider;
- (b) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and
- (c) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason.

11 U.S.C. §101(14).

7. Based on the foregoing, the Trustee submits that the retention of LH&M is not only necessary but is also in the best interest of this estate.

8. Applicant respectfully requests that its retention be effective as of April 25, 2011, which is the date Applicant began providing legal services to the Trustee.

9. No prior application for relief sought herein has been previously made to this or any other court.

WHEREFORE, the Trustee respectfully requests the entry of the order authorizing the retention of LaMonica Herbst & Maniscalco, LLP, as attorneys for the Trustee.

Dated: April 27, 2011
Brooklyn, New York

By: *s Gregory Messer*
Gregory Messer, Esq.
Interim Chapter 7 Trustee of the estate of
Image Rent A Car, Inc.

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**AFFIDAVIT IN SUPPORT OF APPLICATION APPROVING
EMPLOYMENT OF LAMONICA HERBST & MANISCALCO, LLP
AS ATTORNEYS FOR THE TRUSTEE**

STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

Gary F. Herbst, Esq., being duly sworn, deposes and says:

1. I am a member of the firm of LaMonica Herbst & Maniscalco, LLP (“LH&M”), with offices located at 3305 Jerusalem Avenue, Wantagh, New York 11793. I have been duly admitted to practice law before this Court and the courts of the State of New York.

2. LH&M does not represent any creditors or any other party in interest or their respective attorneys in any matter adverse to the Debtor, the Trustee or the estate.

3. Moreover, neither LH&M nor I represent or hold any interest adverse to the Debtor, the Trustee or the estate in the matters upon which LH&M is to be engaged.

4. LH&M is a “disinterested person” as that term is defined in Section 101(14) of the Bankruptcy Code, in that the firm:

(a) is not a creditor, an equity security holder, or an insider;

(b) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

(c) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason.

11 U.S.C. §101(14).

5. LH&M's current hourly rates are as follows: (a) from one hundred dollars (\$100.00) up to one hundred and fifty dollars (\$150.00) for para-professionals; (b) from two hundred and fifty dollars (\$250.00) up to three hundred and seventy-five dollars (\$375.00) for associates; and (c) from four hundred dollars (\$400.00) up to five hundred and twenty-five dollars (\$525.00) for of-counsel and partners.

s/ Gary F. Herbst
GARY F. HERBST, ESQ.

Sworn to before me this
26th day of April 2011

s/ Melanie A. FitzGerald
Melanie A. FitzGerald
Notary Public, State of New York
No. 02FI4841188
Qualified in Nassau County
Commission Expires December 31, 2013

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